



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26056-2024
Date of Decision: 03.09.2024

Gopal Petitioner
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. T.S. Attariwala, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.44 dated 15.04.2019, under Sections 302, 120-B, 201 & 34 IPC, registered at Police Station Rohdai, District Rewari.
2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 19.04.2019, which is more than 5 years and 4 months and 19 witnesses out of 28 cited prosecution witnesses have already been examined including all the material witnesses. He further submitted that as per the FIR, the present is a blind murder case which is entirely based upon circumstantial evidence. He further submitted that the name of the petitioner was nominated thereafter because of the reason that he had a telephonic conversation with the deceased person. He also submitted that the petitioner is rather a relative of the deceased person and therefore, no presumption can be drawn that because of the aforesaid



telephone conversation, such kind of offence has been committed by him. He also submitted that the petitioner is having clean antecedents and is not involved in any other case. He submitted that considering the long custody of the petitioner which is more than 5 years and 4 months and also the fact that now all the material witnesses have been examined and the entire case is based upon circumstantial evidence, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana, submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that now 19 out of 28 total cited prosecution witnesses have been examined and the petitioner has clean antecedents and is not involved in any other case. He however opposed the grant of regular bail to the petitioner by referring to the status report filed by the respondent/State that the petitioner and the other co-accused, namely, Deepak called the deceased at a particular place and made him consume excessive liquor and thereafter, killed him by strangulation and therefore, considering the seriousness of the offence, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. As per the learned counsel for the parties, the petitioner is in custody for more than 5 years and 4 months. As per the FIR, a deadbody was found and as per the learned State counsel, the allegations against the petitioner and the co-accused are that they had called the deceased at a particular place and made him consume excessive liquor and killed him by strangulation. The petitioner is stated to be having clean antecedents and is



not involved in any other case and the total custody of the petitioner comes out to be more than 5 years and 4 months and out of 28 total cited prosecution witnesses, 19 have already been examined. Therefore, this Court is of the view that considering the aforesaid long custody of the petitioner and the stage of the trial, the petitioner deserves the concession of regular bail.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

03.09.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |